## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Criminal No. 7:08-CR-38-FL Civil No. 7:10-CV-155-FL

Petitioner, )	
)	
v. <u>ORD</u>	<u>E R</u>
)	
UNITED STATES OF AMERICA, )	
Respondent.	

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty** (**40**) days of the filing of this order.

SO ORDERED.

This the 23rd day of August, 2010.

LOUISE W. FLANAGAN Chief United States District Judge

Sowie W. Dloragan